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Secretary

December 10, 2002

Hon. Marlene H. Dortch
Secretary
Federal Communications Commission
The Portals II
445 12 St., SW
Washington, D.C. 20554

RE: Comments of the New York State Department of Public Service in the Matter of the Petition of the California Public Utilities Commission and the People of the State of California for Waiver of the Federal Communications Commission's Contamination Threshold Rule; CC Docket No. 99-200

Dear Secretary Dortch:

The New York State Department of Public Service ("NYDPS") submits these comments in response to the Federal Communications Commission's ("Commission") Wireline Competition Bureau Public Notice issued October 24, 2002. The Commission seeks comments on the Petition of the California Public Utilities Commission ("CPUC") and the People of the State of California to waive the Commission's ten-percent contamination threshold rule for donation of thousand number blocks to number pooling and increase the threshold to 25%.¹ The Bureau should grant the CPUC's petition for a waiver of this rule because it would

¹ Under the existing rule, 47 CFR 52.20(c)(1), a carrier is required to donate to the number pool a 1000-block of numbers if 100 or less telephone numbers have been assigned to customers. The CPUC's petition would require carriers to donate a 1000-block of numbers if the carrier has assigned 250 or less telephone numbers to customers.

increase the availability of numbers while furthering the Commission's goal of more efficient number allocation and usage.

The Commission has been able to refine policies and processes that have significantly increased the life of the North American Numbering Plan (NANP) by working with state commissions. The CPUC's petition provides another opportunity for the Commission to enhance the efficient use of scarce resources. As the CPUC's study demonstrates, over five million numbers could be reallocated to other carriers if the threshold were increased to 25%.² Donations of this magnitude would significantly increase the available numbering resources and, concomitantly, delay NANP exhaustion. A similar study of recent Number Resource Utilization Forecast (NRUF) data by the NYDPS underscores that increasing the threshold to 25% would be significant.³ Permitting the CPUC to increase the threshold would serve the public interest by augmenting the available numbering resources, which would promote more efficient number allocation and usage as well as delay area code relief and, ultimately, NANP exhaustion.

There was little data on technical difficulties and costs to carriers of intra-service provider number porting when the Commission set the ten-percent contamination rule. Now carriers have experience in pooling and porting, which should minimize the potential service-affecting mistakes related to increased porting levels under the proposed 25% threshold.⁴ Additionally, new NPAC software that allows for more efficient porting of numbers, makes large volume number porting technically feasible.

² According to the CPUC petition, almost 7000 more blocks would be donated to pools, which would equate to approximately 5.2 million to 6.2 million numbers that would be available to carriers.

³ The NYDPS study found that potentially 2,157 additional blocks could be donated to the pools in New York if a 25% contamination rule were implemented.

⁴ When an individual number is ported, a record associating the ported number with the acquiring carrier's switch is created and stored in the former carrier's database and in the Number Portability Administration Center (NPAC) database. A service provider routing a call to the ported phone number would do so by querying the appropriate database to determine the carrier providing the local service for the dialed telephone number.

In light of the proven benefits of number pooling as a means to delaying NANP exhaustion, as well as the increased understanding of porting and the improved NPAC software, the NYDPS supports the CPUC petition for waiver of the ten-percent contamination rule and requests the Bureau act favorably on the petition. Granting the California petition would be a logical step toward crafting new means to delay NANP exhaustion.

Very truly yours,

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